

**HARRISON BOARD OF
ZONING APPEALS MINUTES
January 27, 2021
7:00 P.M.**

The meeting of the Harrison Board of Zoning Appeals was called to order at 7:00P.M.

ROLL CALL: Mr. Montgomery, *Present*; Mr. Boerger, *Present*; Mr. Ross, *Present*; Mr. Robbe, *Present*, Mr. Wilson, *Present*.

A motion to approve the minutes from the December 22, 2020 was made by Mr. Montgomery and seconded by Mr. Ross.

ROLL CALL: Mr. Montgomery, *Yes*; Mr. Boerger, *Yes*; Mr. Ross, *Yes*; Mr. Robbe, *Yes*; Mr. Wilson, *Yes*; Minutes approved.

VISITORS:

Donald Meyer, Applicant, 1005 Harrison Ave.

OLD BUSINESS

Mr. Wilson – *I think we've come to what everyone is here for. The December 22nd meeting was a virtual meeting and we weren't going to vote on something that was virtual and without the public having the opportunity to speak. So we've tabled the case until this meeting which everyone is now here. So at this time I'll have the staff read the report for case #1621, 517Park Ave.*

Mr. Wong read the staff report of case #1621, conditional use request to conduct an Adult Group Home occupation in an R-4 residential zoning district at 517 Park Ave.

Mr. Wilson – *Thanks Mr. Wong, Mr. Hammons and council that attended. At this time is there people who would like to speak? Don Meyer you're the petitioner, you can speak first.*

Mr. Meyer – *Read his letter submitted to board members.*

Father Kemper w/St Johns – *Discussed his letter submitted to the board members and mentioned the church has never had any problems with the womens shelter. Children do not play on the Park Ave. side and there's secured access to the school.*

Raymond Roll – *Read a statement in support of the mens group home.*

Willisa Redford, 311 Park - *Read a statement in support of the mens group home.*

Jack Phillips, 10774 Carolina Pines - *Made a statement in support of the mens group home.*

Mr. Meyer – *Read a letter submitted by Mr. Joe Maas, JTM in support of the mens group home.*

Carol WiWi, 516 Dair - *Read her letter submitted to board members opposing the mens group home.*

Karen Hinkle, 213 Park Ave. – *spoke in opposition of the mens group home.*

Ray Acra, 323 Thomas Ln – *spoke in opposition of the mens group home.*

Tammy Knock, 202 Washington - *spoke in opposition of the mens group home.*

John Whitaker Knock, 120 Washington - *spoke in opposition of the mens group home.*

Art Windsor, 505 Dair Ave - *spoke in opposition of the mens group home.*

Mr. Wilson – *I want to remind when we have a zoning and this is zoning in a residential zone with a conditional use permit, if it's approved some of these things could happen, this body don't make the zoning code. everyone remember, this was to be a virtual meeting back in December and this board said it would not vote on something which the public could not have the opportunity to speak.*

Albert Hoover, 302 Hill St. - *spoke in opposition of the mens group home.*

Mike Thompson, 11555 Deer Trace Ln. - *spoke in opposition of the mens group home.*

Mr. Wilson – *Make it clear to everybody they are not asking for a zone change, they're asking for a conditional use of the zoning.*

Tanner Dole, 8643 Kilby Rd - *spoke in opposition of the mens group home. Provided real estate information.*

Mr. Wilson – *Read Debbie Rolfes letter opposition of the mens group home.*

Mr. Wilson – *Read letter addressed to the Mayor opposing the mens group home.*

Mr. Wilson – *Read Joyce Windsor letter opposition of the mens group home.*

Mr. Hank Menninger, 314 Meadowgreen Dr. - *Read a statement in support of the mens group home, commented on the comprehensive plan.*

Lisanne Thompson, 11555 Deer Trace Ln. – *Questions if there are studies of homeless of the area.*

Carol WiWi, 516 Dair – *Rebuttal comments made of supporters. Questioned how many are criminals or out of area.*

Mr. Meyer – *Rebuttal comments made by opposes.*

Mr. Wilson – *We're going to wrap this up soon, we can't have rebuttals all night, Hank you can come up.*

Mr. Hank Menninger, 314 Meadowgreen Dr – *Want to comment that your board with a conditional use can grant this with conditions and that the conditional use can be revoked if the conditions are violated. You have the ability to make this work by attaching conditions.*

Mr. Wilson – *Thanks, I think we all on the board are aware of that. Ok lastly Mr. Acra.*

Ray Acra, 323 Thomas Ln – *Rebuttal comments made of supporters.*

Mr. Wilson – *Ok as the bad guy I'm going to say everybody is done talking. Now it's up to the board to ask any questions they want to ask.*

Mr. Montgomery –*Mr. Meyer who from the city told you that's the spot they wanted you in the R-4 District?*

Mr. Meyer – *They didn't specifically buy Shannon Hammons told me that area.*

Mr. Hammons, Zoning Director – *We told him that group homes are permitted by conditional use in an R-4 Zoning District so he would need to find something in the R-4 Zoning District. That area Mr. Meyer picked is an R-4 District.*

Mr. Montgomery –*Mr. Meyer, he told you can apply for a conditional use in an R-4 District. Is that right Shannon?*

Mr. Hammons, Zoning Director – *Yes.*

Mr. Wilson – *Board member now's the time for questions. I also want to thank the American legion for allowing us to use this hall for this purpose. The reason we're here is to hear you question, desires and comments. We hope we can answer them but now it's our turn to ask questions.*

Mr. Robbe – *The 19 page application, what's the process for review and what triggers a decline of the application?*

Mr. Meyer – *Our board reviews. If there's abuse or criminal conduct, etc. they are not approved.*

Mr. Wilson – *Ok, the board reviews. Sonny?*

Mr. Ross – *I think we covered everything pretty well.*

Mr. Montgomery –*I like to follow up on some things the board said. I heard hoping it will work, I heard possibly, maybe, perhaps in a lot of your comments. What is the recourse of someone having a relapse or have to boot someone out of the house?*

Mr. Meyer – *They come in with the understanding of the rules and signing the agreement. If they violate that they're out.*

Mr. Montgomery –*I know that but where would they go then?*

Mr. Meyer – *We would try to direct them elsewhere.*

Mr. Wilson – *With what's being asked, they're paying rent, what if someone says they're not leaving? Do you have to evict them?*

Mr. Meyer – *Possible but them signing a contract agreement, violation of the contract can put them out.*

Mr. Wilson – *Ok, my point is you still may have to do something legal, I think you understand that.*

Mr. Robbe – *For the process, you vet them through a 19 page questioner and guarantee they're from Harrison correct? They've been homeless, you find them in a spot, give them a room. How long till they start paying rent, how are they getting a vehicle, get to and from work? Social worker that there, what happens when they go on vacation, sick?*

Mr. Meyer – *Pay rent right away, process is some apply to places to get the first months' rent but they are expected to find work and rent or they're out.*

Mr. Robbe – *What happens when they don't pay the second rent, if they can't it kind of brings us back to the point before, how quick can you get those out.*

Mr. Wilson – *What is the length of time they're allowed to be there?*

Mr. Meyer – *When they come in we set the rules, we expect six to eighteen month before they need to be on their own.*

Mr. Montgomery – *Hope you understand the questions aren't so much the expectations as to the what if's, that this is clearly defined the statement of If this happens then what? That's why you're getting these questions.*

Mr. Wilson – *If someone had a mental problem and you have them in there what is the recourse on that?*

Mr. Meyer – *We'll have referral programs, we'll have some failures and we'll try to get them to other places that can help.*

Mr. Wilson – *ok, and you say there's a counselor there, are they living there or come there to work?*

Mr. Meyer – *They'll live there on site.*

Mr. Boerger – *Is this a onetime shot, if you fail you don't get back in?*

Mr. Meyer – *No, but the place only holds eight, if there's no vacancy you have to apply again to be screened to get back in.*

Mr. Wilson – *ok, anyone else, questions? None*

Mr. Montgomery – *Ok, I'm going to jump on board here quickly, so to Hank Menninger point yes we can take into account what these people say. Emotions definitely fall under general welfare and objectives but we do have to go by comprehensive zoning regulations. Under the definition of conditional use this is something that would not generally be appropriate. It's not to be detrimental to health, safety and general welfare, Mr. Roll you said you will have failures. Under the general standards, section 2 says it has to be harmonious with the general objectives and to me that screams the city comprehensive plan, per Mr. Acra it made it clear it is not. Again, under general standards number 4, will not be hazardous or disturbing to existing neighbors, that goes without saying. Number 6, will not be detrimental to the economic welfare of the community, Tanner Dole refer to three customers that have walked away in the last month. That being said I have to make recommendation to deny the conditional use request.*

Mr. Wilson – *That a motion?*

Mr. Montgomery – *That is a motion*

Mr. Wilson – *We have a motion to deny the request, do we have a second?*

Mr. Ross– *Yes sir, I'll second.*

Mr. Wilson – *second by Sonny Ross. Any other discussion by the board? None; call the roll.*

ROLL CALL: Mr. Montgomery, *Yes*; Mr. Boerger, *Yes*; Mr. Ross, *Yes*; Mr. Robbe, *Yes*; Mr. Wilson, *Yes*. Motion passed, Conditional Use denied.

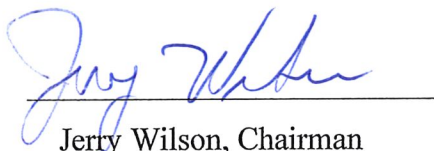
NEW BUSINESS

None

With all in agreement and being no further business before the Board, the meeting was adjourned at 9:30 P.M.

A handwritten signature in blue ink, appearing to be 'Gordon Wong', written over a horizontal line.

Gordon Wong, Secretary

A handwritten signature in blue ink, appearing to be 'Jerry Wilson', written over a horizontal line.

Jerry Wilson, Chairman